App. No. 10/049174
Office Action Dated December 23, 2004

REMARKS

Reconsideration is respectfully requested in view of the above amendments and following remarks. Claims 1-5 and 7-10 have been amended editorially. Claim 1 has been amended to recite "the first part has an element for forming or machining the held metal sheet during an advancing part of said reciprocating movement", is supported, for example, by at least page 2, lines 34-35 and by Figure 7, which shows an example of a cut-away diagrammatic view of the first part in an advanced position. Claim 6 has been canceled without prejudice or disclaimer. No new matter has been added. Claims 1-5 and 7-12 are pending.

Applicant appreciates the indication of allowable subject matter in claim 8.

Claim rejections - 35 U.S.C. § 112

Claims 1-5 and 7-12 are rejected under 35 U.S.C. 112, second paragraph as being indefinite. Applicant respectfully traverses the rejection. Claim 1 has been amended taking into account the constructive criticisms raised in the rejection. Withdrawal and reconsideration is respectfully requested.

Claim rejections - 35 U.S.C. § 102

Claims 1-5 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Jonsson (US 4,565,084). Applicant respectfully traverses the rejection.

Claim 1 is direct to an arrangement in a sheet-metal forming tool (7). The sheet-metal forming tool (7) comprises a first part (2) for performing a reciprocating movement substantially perpendicular to a held metal sheet. The first part (2) has an element (6) for forming or machining the held metal sheet during an advancing part of said reciprocating movement. The running surface (5c) facing the wheel (5a) defines the reciprocating movement of the first part (2).

Jonsson teaches a tool (3) for bending the edge of a thick sheet of metal (1). The bending would typically be started at one end of the sheet and be carried out successively along the entire

sheet edge by step-by-step displacement of the tool 3 along the sheet edge, as indicated by the dash-dotted lines in Fig. 1, which shows the previous position of the tool and a later position of the tool (col. 3, ll. 51-56). The tool requires an upper sheet-engaging pad 14 and a lower sheet-engaging pad 15, the lower pad 15 is placed at a greater distance than the upper pad 14, thus obtaining a moment arm L (see Fig. 2) necessary for controlled bending of the edge region of the sheet 1 (col. 3, ll. 5-13).

The Office Action asserts, using Fig. 1, of Jonsson, that the apparatus is capable of working on a piece of sheet metal with the top and right side edge piece folded upward, with these upward folded sidepieces, the apparatus would move substantially perpendicular to the sheet metal. Applicant respectfully disagrees with the assertion. Furthermore, Applicant respectfully points out Jonsson does not disclose an embodiment in which the top side edge is folded upward. Indeed, had the top side edge in Fig. 1 of Jonsson been folded upward, then the forming operation in the vicinity of the folded edge would be impeded. Jonsson teaches bending the metal in a downward direction. The tool taught by Jonsson requires that the tool be placed on a sheet so as to straddle the edge to be bent with one bar on each side. Thus, if the top side edge of the metal were to be folded upward as suggested by the Examiner, the tool taught by Jonsson would not be capable of functioning as required by Jonsson. Hence, Jonsson is not capable of working on a piece of sheet metal with the top side edge folded upward.

Furthermore, as presented above, Jonsson teaches the moment arm L is necessary for controlled bending of the edge region of the sheet metal. In order to create the moment arm L required for the controlled bending to form the sheet metal, the tool is pressed down against the upper surface of the sheet 1, whereby the tool is made to tilt from a starting position shown in Fig. 2 to the position shown in Fig. 3 (col. 3, ll. 46-49), thus the wheels are lifted off the surface. Therefore, the surface of Jonsson cannot be said to define the reciprocating movement of the first part as recited in claim 1. In addition, Jonsson teaches the tool must be in a stationary position in relation to the sheet metal before forming can take place, i.e. not during the advancing part of the reciprocating movement as recited in claim 1. The bending taught by Jonsson takes place in increments along the edge of the sheet metal by moving the tool in a step-by-step fashion.

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Additionally, the movement of the tool taught by Jonsson is not for forming or machining the held metal sheet during an advancing part of the reciprocating movement as recited in claim 1.

Thus, Jonsson fails to anticipate claim 1. Withdrawal of the rejection is respectfully requested.

Claims 2-5, 9, 10 and 12 depend either directly or indirectly from claim 1. For the reasons discussed above for claim 1, withdrawal of the rejection is respectfully requested.

Claim rejections - 35 U.S.C. § 103

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson in view of Kobayashi et al. (US 6,589,664). Applicant respectfully traverses the rejection. Claim 7 depends indirectly from claim 1. For at least the reasons discussed above for claim 1, withdrawal of the rejection is respectfully requested. Kobayashi does not remedy the deficiencies of Jonsson.

In view of the above, favorable reconsideration in the form of a notice of allowance is requested. Any questions or concerns regarding this communication can be directed to the undersigned attorney, John J. Gresens, Reg. No. 33,112, at (612)371.5265.

Respectfully submitted,

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Dated: April 25, 2005

By _____
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JJG:smm